

November 1, 1990

Mr. Jay D. Roth
Taylor, Roth, Bush & Geffner
Suite 1100
3500 West Olive Avenue
Burbank, CA 91505

Dear Mr. Roth:

This responds to a letter of September 7, 1990, from you and Mr. David Reeves in which you request our opinion on whether the Southern California Gas Company positions of Meter Reader and Field Collector are subject to drug testing under 49 CFR Part 199. You enclosed a job profile of each of these positions in your letter, in addition to Company Job Instructions related to those positions.

As provided by the Part 199 definition of "employee," any person who performs on a gas pipeline an operating, maintenance, or emergency-response function regulated by Part 192 is subject to drug testing.

The job profile for a "Meter Reader" includes a requirement to visually check meter set assemblies for unusual or hazardous conditions, such as bypasses, leaks, or other unsafe conditions, in addition to immediately reporting those conditions, which in the judgment of the meter reader, require prompt action. It appears that these functions are involved under §§ 192.605, 192.615, and 193.723. Therefore, performing the function would subject the employee to the drug testing requirements of Part 199.

With regard to the two Company Job Instructions enclosed in your letter, if the act of cutting off service at the meter or reporting a hazardous condition by phone is done to implement an operating, maintenance, or emergency-response requirements of 49 CFR Part 192, the person who performs these functions is subject to drug testing. It appears that the instructions for closing meters, involve functions required under §§ 192.605, 196.615, and 192.727. Therefore, performing the function would subject the employee to the drug testing requirements of Part 199.

Please let me know if you need any further clarification of the Part 199 drug testing requirements.

Identical letter sent to Mr. David Reeves.

Sincerely,

George W. Tenley, Jr.
Associate Administrator for
Pipeline Safety